

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MAURICIO A. LEON, M.D.,

Plaintiff,

v.

IDX SYSTEMS CORPORATION, a
Vermont Corporation,

Defendant.

No. CV03-1158P

SUPPLEMENTAL DECLARATION OF
ANGELO J. CALFO IN SUPPORT OF
MOTION TO DISMISS AND FOR
TERMS RE: SPOILIATION

I, Angelo J. Calfo, declare and say:

1. I am a member of the law firm Yarmuth Wilsdon Calfo PLLC. Our firm represents IDX in this matter.

2. We have compiled the attached time records and other records relating to costs and fees relating to our investigation into the plaintiff's spoliation of evidence and our prosecution of this motion. Exhibit 1 sets forth our billings by time devoted, hourly rate, date and time keeper (along with a description of the work performed). Exhibit 2 sets forth our billings, and the billings of our co-counsel, by type of work performed (e.g., conferences with expert, expert fees, etc.) Our time records did not separate out time devoted specifically to work performed on this topic. As a result, we identified time records that referenced our work relating to plaintiff's spoliation or that we otherwise knew

SUPPLEMENTAL DECLARATION OF
ANGELO J. CALFO IN SUPPORT OF MOTION
TO DISMISS AND FOR TERMS RE:
SPOILIATION

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YARMUTH WILSDON CALFO PLLC

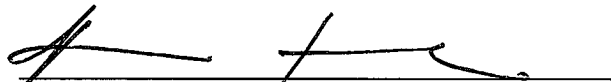
THE IDX TOWER
925 FOURTH AVENUE, SUITE 2500
SEATTLE WASHINGTON 98104
T 206.516.3800 F 206.516.3888

1 from our calendars concerned that issue. Each timekeeper was directed to provide a
2 conservative estimate of the time devoted to the effort identified in the time records as
3 having related to plaintiff's spoliation.

4 3. Our hourly rates correlate with rates charged by lawyers in Seattle that
5 litigate complex commercial matters. In fact, my firm agreed to discount its rates five
6 percent on this matter, and the attached time records reflect that discount.

7 I declare under penalty of perjury under the laws of the United States of America
8 that the foregoing is true and correct.

9 Executed on: September 8th, 2004.

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13 ANGELO J. CALFO

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SUPPLEMENTAL DECLARATION OF
ANGELO J. CALFO IN SUPPORT OF MOTION
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SPOILIATION

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YARMUTH WILSDON CALFO PLLC

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EXHIBIT 1

Leon v. IDX Systems Corp.

**IDX Billing Incurred in Relation to Spoliation Issues
(Totals by Timekeeper)**

Timekeeper	Date	Time	Rate	Total	Description
AJC	03/24/04	1.0	\$309.00	\$309.00	Conference Dublin; prepare for Baker meeting
AJC	03/25/04	1.0	\$309.00	\$309.00	Conference Baker; emails re laptop
AJC	04/08/04	0.7	\$309.00	\$216.30	Conference with R. Norberg
AJC	04/09/04	1.7	\$309.00	\$525.30	Conference with R. Baker, E. Taylor re H. Bunzey, R. Norberg
AJC	05/04/04	3.5	\$309.00	\$1,081.50	Leon deposition preparation, work on spoliation issues
AJC	05/05/04	0.8	\$309.00	\$247.20	Work on issues re R. Norberg
AJC	05/05/04	2.0	\$309.00	\$618.00	Leon deposition preparation, work on spoliation issues
AJC	05/06/04	2.5	\$309.00	\$772.50	Leon deposition preparation, work on spoliation issues
AJC	05/07/04	1.0	\$309.00	\$309.00	Leon deposition preparation, work on spoliation issues
AJC	05/10/04	1.5	\$309.00	\$463.50	Leon deposition preparation, work on spoliation issues
AJC	05/11/04	1.0	\$309.00	\$309.00	Leon deposition preparation, work on spoliation issues
AJC	05/11/04	0.4	\$309.00	\$123.60	Conference with R. Norberg
AJC	05/12/04	1.0	\$309.00	\$309.00	Leon deposition preparation, work on spoliation issues
AJC	05/12/04	2.0	\$309.00	\$618.00	Conference with R. Norberg
AJC	05/13/04	1.3	\$309.00	\$401.70	Leon deposition preparation, work on spoliation issues
AJC	05/14/04	0.4	\$309.00	\$123.60	Leon deposition preparation, work on spoliation issues
AJC	05/17/04	2.4	\$309.00	\$741.60	Work on spoliation issues
AJC	05/24/04	0.2	\$309.00	\$61.80	Leon deposition preparation, work on spoliation issues
AJC	05/25/04	4.0	\$309.00	\$1,236.00	Review, edit Motion to Dismiss
AJC	05/25/04	0.5	\$309.00	\$154.50	Email with R. Baker, work on spoliation issues
AJC	05/25/04	0.6	\$309.00	\$185.40	Email with E. Taylor, work on spoliation issues
AJC	05/26/04	3.0	\$309.00	\$927.00	Prepare Motion to Dismiss
AJC	05/27/04	4.0	\$309.00	\$1,236.00	Prepare Motion to Dismiss
AJC	06/15/04	0.4	\$309.00	\$123.60	Email with E. Taylor, work on spoliation issues
AJC	06/16/04	2.0	\$309.00	\$618.00	Work on response brief
AJC	06/17/04	6.5	\$309.00	\$2,008.50	Prepare reply brief and related pleadings
AJC	06/17/04	0.8	\$309.00	\$247.20	Email with R. Baker, work on spoliation issues
AJC	06/17/04	0.7	\$309.00	\$216.30	Email with E. Taylor, work on spoliation issues
Total		44.9		\$14,492.10	
JG	04/16/04	1.2	\$228.00	\$273.60	Research re spoliation issues

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Leon v. IDX Systems Corp.

**IDX Billing Incurred in Relation to Spoliation Issues
(Totals by Timekeeper)**

Timekeeper	Date	Time	Rate	Total	Description
JG	04/26/04	0.4	\$228.00	\$91.20	Review emails, correspondence re laptop retrieval
JG	04/28/04	0.3	\$228.00	\$68.40	Conference with A. Calfo re R. Norberg testimony
JG	04/30/04	3.5	\$228.00	\$798.00	Review and analysis of R. Norberg emails, reports
JG	05/03/04	5.5	\$228.00	\$1,254.00	Review and analysis of R. Norberg emails, reports; research re spoliation issues
JG	05/04/04	4.7	\$228.00	\$1,071.60	Meet with R. Norberg re laptop retrieval and report; research re spoliation issues
JG	05/05/04	3.7	\$228.00	\$843.60	Research, analysis re spoliation issues; conference with A. Calfo, N. Driver re R. Norberg testimony
JG	05/06/04	5.5	\$228.00	\$1,254.00	Research, analysis re spoliation issues; draft memo re laptop evidence
JG	05/07/04	6.6	\$228.00	\$1,504.80	Research, analysis re spoliation issues; work on memo re laptop evidence; conference with A. Calfo re same
JG	05/10/04	6.3	\$228.00	\$1,436.40	Research, analysis re spoliation issues; finalize memo re spoliation, laptop evidence; correspond with H. Bunzey
JG	05/11/04	4.0	\$228.00	\$912.00	Phone conference with Bunzey, R. Norberg re laptop; revise memo re same; conference with A. Calfo re same
JG	05/12/04	4.9	\$228.00	\$1,117.20	Review, revise memo re laptop per R. Norberg meeting
JG	05/18/04	4.8	\$228.00	\$1,094.40	Phone conference with R. Norberg re expert report; revise, analysis of Leon deposition testimony re spoliation issues
JG	05/19/04	6.9	\$228.00	\$1,573.20	Review, analysis of Leon deposition testimony re spoliation issues, draft Motion to Dismiss, phone call with R. Norberg, P. King re 5/20 conference; review R. Norberg draft expert report
JG	05/20/04	7.7	\$228.00	\$1,755.60	Review R. Norberg draft expert report; prepare for meeting with P. King; phone call with L. MacNeil (IDX Boston), H. Bunzey; work on Motion to Dismiss; review, analysis of Leon deposition testimony re spoliation issues; conference with A. Calfo re R. Norberg report
JG	05/21/04	4.4	\$228.00	\$1,003.20	Finalize review of R. Norberg report; prepare exhibits to same; research re spoliation, Motion to Dismiss
JG	05/23/04	5.1	\$228.00	\$1,162.80	Review, analysis of Leon deposition testimony re spoliation issues, work on Motion to Dismiss

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Leon v. IDX Systems Corp.

**IDX Billing Incurred in Relation to Spoliation Issues
(Totals by Timekeeper)**

Timekeeper	Date	Time	Rate	Total	Description
JG	05/24/04	6.1	\$228.00	\$1,390.80	Finalize Motion to Dismiss; research re same; email A. Calfo re same; draft declarations for same; review, analysis of Leon deposition testimony re spoliation issues
JG	05/25/04	5.1	\$228.00	\$1,162.80	Review, edit Motion to Dismiss; review A. Calfo, R. Baker comments re same; research re same; phone conference with R. Norberg re declaration
JG	05/26/04	7.5	\$228.00	\$1,710.00	Correspond with H. Bunzey re declaration; draft A. Calfo, J. Gross, H. Bunzey, E. Taylor, R. Norberg declarations for Motion to Dismiss; gather, review exhibits to same; conference with A. Calfo re Motion to Dismiss
JG	05/27/04	7.9	\$228.00	\$1,801.20	Edit, cite check, finalize Motion to Dismiss and declarations; conference with A. Calfo re same; review and edit RFAs re laptop
JG	06/15/04	7.2	\$228.00	\$1,641.60	Review, analysis of Leon response and declaration; analysis and draft of reply to same; exchange correspondence re same; attend team meeting re reply brief
JG	06/16/04	6.8	\$228.00	\$1,550.40	Phone call with R. Norberg re plaintiff's expert declaration and preparation of reply brief; draft reply brief; conference with A. Calfo re same
JG	06/17/04	7.9	\$228.00	\$1,801.20	Case research re plaintiff's response; finish draft reply brief; prepare R. Norberg declaration for same; conference with A. Calfo, N. Driver re reply brief; phone call with R. Norberg re declaration to reply brief
JG	06/23/04	0.4	\$228.00	\$91.20	Review, analysis of Finnie report
JG	06/24/04	2.5	\$228.00	\$570.00	Exchange voicemails with A. Calfo re plaintiff's response brief; correspond with Rosenberger re same; draft submission in response to plaintiff's response brief
Total		126.9		\$28,933.20	
NLD	05/26/04	0.5	\$119.00	\$59.50	Assemble correspondence with plaintiff's counsel re laptop
NLD	05/27/04	3.0	\$119.00	\$357.00	Review and edit Motion to Dismiss; prepare exhibits re same
NLD	06/15/04	1.0	\$119.00	\$119.00	Attend team meeting re plaintiff's response to Motion to Dismiss
NLD	06/17/04	1.5	\$119.00	\$178.50	Edit reply to Motion to Dismiss
Total		6.0		\$714.00	
Norberg	03/22/04	4.5	\$150.00	\$675.00	Deleted file analysis

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Leon v. IDX Systems Corp.

**IDX Billing Incurred in Relation to Spoliation Issues
(Totals by Timekeeper)**

Timekeeper	Date	Time	Rate	Total	Description
Norberg	03/23/04	8.5	\$150.00	\$1,275.00	Analyze registry, unallocated space
Norberg	03/24/04	4.0	\$150.00	\$600.00	Analyze internet activity, prepare spreadsheet listings
Norberg	04/14/04	4.5	\$150.00	\$675.00	Examine image file for news reader programs; copy image file to DVD
Norberg	05/04/04	4.0	\$150.00	\$600.00	Meet with J. Gross; examine image for wiping
Norberg	05/06/04	8.0	\$150.00	\$1,200.00	Review image file in prep for expert report
Norberg	05/07/04	6.5	\$150.00	\$975.00	Review image file in prep for expert report
Norberg	05/10/04	8.0	\$150.00	\$1,200.00	Draft expert report
Norberg	05/11/04	7.5	\$150.00	\$1,125.00	Meet with J. Gross, A. Calfo; draft expert report
Norberg	05/12/04	7.5	\$150.00	\$1,125.00	Meet with J. Gross, A. Calfo; draft expert report
Norberg	05/13/04	7.5	\$150.00	\$1,125.00	Draft expert report
Norberg	05/14/04	8.0	\$150.00	\$1,200.00	Draft expert report
Norberg	05/17/04	5.5	\$150.00	\$825.00	Review Leon deposition re spoliation issues; prepare report exhibits
Norberg	05/18/04	7.5	\$150.00	\$1,125.00	Prepare report exhibits
Norberg	05/19/04	2.5	\$150.00	\$375.00	Draft expert report
Norberg	05/20/04	5.5	\$150.00	\$825.00	Meet with J. Gross; edit report format
Norberg	05/21/04	1.0	\$150.00	\$150.00	Print, deliver signed report
Norberg	05/27/04	1.0	\$150.00	\$150.00	Declaration
Norberg	06/15/04	4.5	\$150.00	\$675.00	Review motion and declaration of Finnie
Norberg	06/16/04	6.0	\$150.00	\$900.00	Phone call with J. Gross; prepare second declaration
Norberg	06/16/04	1.0	\$150.00	\$150.00	Prepare second declaration
Total		113.0		\$16,950.00	
MET	03/22/04	0.3	\$250.00	\$75.00	Emails re forensics
MET	03/23/04	0.6	\$250.00	\$150.00	Review initial forensic reports
MET	03/24/04	1.0	\$250.00	\$250.00	Conference Dublin; prepare for Baker meeting
MET	03/25/04	1.0	\$250.00	\$250.00	Conference Baker; emails re laptop
MET	04/09/04	1.7	\$250.00	\$425.00	Conference Norberg, Bunzey, Calfo
MET	04/15/04	0.5	\$250.00	\$125.00	Written discovery
MET	05/03/04	0.3	\$250.00	\$75.00	Leon deposition preparation - spoliation
MET	05/12/04	0.3	\$250.00	\$75.00	Leon deposition preparation - spoliation
MET	05/13/04	1.3	\$250.00	\$325.00	Leon deposition
MET	05/14/04	0.5	\$250.00	\$125.00	Leon deposition
MET	05/25/04	0.6	\$250.00	\$150.00	Email re spoliation motion
MET	05/26/04	1.5	\$250.00	\$375.00	Spoliation motion; conference Baker, Calfo
MET	05/27/04	0.8	\$250.00	\$200.00	Spoliation motion, declaration
MET	06/14/04	1.5	\$250.00	\$375.00	Review response, exhibits; work on reply
MET	06/15/04	2.0	\$250.00	\$500.00	Work on reply
Total		13.9		\$3,475.00	
LND	03/24/04	2.7	\$180.00	\$486.00	Research re spoliation; conference Taylor
LND	05/05/04	0.2	\$180.00	\$36.00	Email re spoliation remedies

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Leon v. IDX Systems Corp.**IDX Billing Incurred in Relation to Spoliation Issues
(Totals by Timekeeper)**

Timekeeper	Date	Time	Rate	Total	Description
Total		2.9		\$522.00	
GJP	03/23/04	0.3	\$100.00	\$30.00	Emails re spoliation
GJP	03/24/04	0.3	\$100.00	\$30.00	Review Norberg materials
Total		0.6		\$60.00	
Grand Total				\$65,146.30	

Yarmuth Wilsdon Calfo

Leon v. IDX Systems Corp.

**IDX Billing Incurred in Relation to Spoliation Issues
(Totals by Category)**

Timekeeper	Date	Time	Rate	Total	Description
Conferences, meetings, communications with expert, review expert report / testimony:					
AJC	04/08/04	0.7	\$309.00	\$216.30	Conference with R. Norberg
AJC	05/05/04	0.8	\$309.00	\$247.20	Work on issues re R. Norberg
AJC	05/11/04	0.4	\$309.00	\$123.60	Conference with R. Norberg
AJC	05/12/04	2.0	\$309.00	\$618.00	Conference with R. Norberg
JG	04/28/04	0.3	\$228.00	\$68.40	Conference with A. Calfo re R. Norberg testimony
JG	04/30/04	3.5	\$228.00	\$798.00	Review and analysis of R. Norberg emails, reports
JG	05/03/04	5.5	\$228.00	\$1,254.00	Review and analysis of R. Norberg emails, reports; research re spoliation issues
JG	05/04/04	4.7	\$228.00	\$1,071.60	Meet with R. Norberg re laptop retrieval and report; research re spoliation issues
JG	05/11/04	4.0	\$228.00	\$912.00	Phone conference with Bunzey, R. Norberg re laptop; revise memo re same; conference with A. Calfo re same
JG	05/12/04	4.9	\$228.00	\$1,117.20	Review, revise memo re laptop per R. Norberg meeting
JG	05/18/04	4.8	\$228.00	\$1,094.40	Phone conference with R. Norberg re expert report; analysis of Leon deposition testimony re spoliation issues
MET	03/23/04	0.6	\$250.00	\$150.00	Review initial forensic reports
MET	04/09/04	1.7	\$250.00	\$425.00	Conference Norberg, Bunzey, Calfo
GJP	03/24/04	0.3	\$100.00	\$30.00	Review Norberg materials
TOTAL				\$8,125.70	
Conferences, meetings, communications between counsel and or between counsel and client:					
AJC	03/24/04	1.0	\$309.00	\$309.00	Conference Dublin; prepare for Baker meeting
AJC	03/25/04	1.0	\$309.00	\$309.00	Conference Baker; emails re laptop
AJC	04/09/04	1.7	\$309.00	\$525.30	Conference with R. Baker, E. Taylor re H. Bunzey, R. Norberg
AJC	05/25/04	0.5	\$309.00	\$154.50	Email with R. Baker, work on spoliation issues
AJC	05/25/04	0.6	\$309.00	\$185.40	Email with E. Taylor, work on spoliation issues
AJC	06/15/04	0.4	\$309.00	\$123.60	Email with E. Taylor, work on spoliation issues
AJC	06/17/04	0.8	\$309.00	\$247.20	Email with R. Baker, work on spoliation issues
AJC	06/17/04	0.7	\$309.00	\$216.30	Email with E. Taylor, work on spoliation issues
MET	03/22/04	0.3	\$250.00	\$75.00	Emails re forensics
MET	03/24/04	1.0	\$250.00	\$250.00	Conference Dublin; prepare for Baker meeting
MET	03/25/04	1.0	\$250.00	\$250.00	Conference Baker; emails re laptop
GJP	03/23/04	0.3	\$100.00	\$30.00	Emails re spoliation
TOTAL				\$2,675.30	

Yarmuth Wilsdon Calfo

Leon v. IDX Systems Corp.

**IDX Billing Incurred in Relation to Spoliation Issues
(Totals by Category)**

Timekeeper	Date	Time	Rate	Total	Description
Preparation for deposition, taking of deposition:					
AJC	05/04/04	3.5	\$309.00	\$1,081.50	Leon deposition preparation, work on spoliation issues
AJC	05/05/04	2.0	\$309.00	\$618.00	Leon deposition preparation, work on spoliation issues
AJC	05/06/04	2.5	\$309.00	\$772.50	Leon deposition preparation, work on spoliation issues
AJC	05/07/04	1.0	\$309.00	\$309.00	Leon deposition preparation, work on spoliation issues
AJC	05/10/04	1.5	\$309.00	\$463.50	Leon deposition preparation, work on spoliation issues
AJC	05/11/04	1.0	\$309.00	\$309.00	Leon deposition preparation, work on spoliation issues
AJC	05/12/04	1.0	\$309.00	\$309.00	Leon deposition preparation, work on spoliation issues
AJC	05/13/04	1.3	\$309.00	\$401.70	Leon deposition preparation, work on spoliation issues
AJC	05/14/04	0.4	\$309.00	\$123.60	Leon deposition preparation, work on spoliation issues
AJC	05/24/04	0.2	\$309.00	\$61.80	Leon deposition preparation, work on spoliation issues
MET	05/03/04	0.3	\$250.00	\$75.00	Leon deposition preparation - spoliation
MET	05/12/04	0.3	\$250.00	\$75.00	Leon deposition preparation - spoliation
MET	05/13/04	1.3	\$250.00	\$325.00	Leon deposition
MET	05/14/04	0.5	\$250.00	\$125.00	Leon deposition
TOTAL				\$5,049.60	
Analysis of spoliation and related issues:					
AJC	05/17/04	2.4	\$309.00	\$741.60	Work on spoliation issues
JG	04/16/04	1.2	\$228.00	\$273.60	Research re spoliation issues
JG	04/26/04	0.4	\$228.00	\$91.20	Review emails, correspondence re laptop retrieval
JG	05/05/04	3.7	\$228.00	\$843.60	Research, analysis re spoliation issues; conference with A. Calfo, N. Driver re R. Norberg testimony
JG	05/06/04	5.5	\$228.00	\$1,254.00	Research, analysis re spoliation issues; draft memo re laptop evidence
JG	05/07/04	6.6	\$228.00	\$1,504.80	Research, analysis re spoliation issues; work on memo re laptop evidence; conference with A. Calfo re same
JG	05/10/04	6.3	\$228.00	\$1,436.40	Research, analysis re spoliation issues; finalize memo re spoliation, laptop evidence; correspond with H. Bunzey
JG	06/23/04	0.4	\$228.00	\$91.20	Review, analysis of Finnie report
LND	03/24/04	2.7	\$180.00	\$486.00	Research re spoliation; conference Taylor
LND	05/05/04	0.2	\$180.00	\$36.00	Email re spoliation remedies
TOTAL				\$6,758.40	

Yarmuth Wilsdon Calfo

Leon v. IDX Systems Corp.

**IDX Billing Incurred in Relation to Spoliation Issues
(Totals by Category)**

Timekeeper	Date	Time	Rate	Total	Description
Preparation of Motion to Dismiss and related pleadings:					
AJC	05/25/04	4.0	\$309.00	\$1,236.00	Review, edit Motion to Dismiss
AJC	05/26/04	3.0	\$309.00	\$927.00	Prepare Motion to Dismiss
AJC	05/27/04	4.0	\$309.00	\$1,236.00	Prepare Motion to Dismiss
AJC	06/16/04	2.0	\$309.00	\$618.00	Work on response brief
AJC	06/17/04	6.5	\$309.00	\$2,008.50	Prepare reply brief and related pleadings
JG	05/25/04	5.1	\$228.00	\$1,162.80	Review, edit Motion to Dismiss; review A. Calfo, R. Baker comments re same; research re same; phone conference with R. Norberg re declaration
JG	05/26/04	7.5	\$228.00	\$1,710.00	Correspond with H. Bunzey re declaration; draft A. Calfo, J. Gross, H. Bunzey, E. Taylor, R. Norberg declarations for Motion to Dismiss; gather, review exhibits to same; conference with A. Calfo re Motion to Dismiss
JG	05/27/04	7.9	\$228.00	\$1,801.20	Edit, cite check, finalize Motion to Dismiss and declarations; conference with A. Calfo re same; review and edit RFAs re laptop
JG	06/15/04	7.2	\$228.00	\$1,641.60	Review, analysis of Leon response and declaration; analysis and draft of reply to same; exchange correspondence re same; attend team meeting re reply brief
JG	06/16/04	6.8	\$228.00	\$1,550.40	Phone call with R. Norberg re plaintiff's expert declaration and preparation of reply brief; draft reply brief; conference with A. Calfo re same
JG	06/17/04	7.9	\$228.00	\$1,801.20	Case research re plaintiff's response; finish draft reply brief; prepare R. Norberg declaration for same; conference with A. Calfo, N. Driver re reply brief; phone call with R. Norberg re declaration to reply brief
JG	06/24/04	2.5	\$228.00	\$570.00	Exchange voicemails with A. Calfo re plaintiff's response brief; correspond with Rosenberger re same; draft submission in response to plaintiff's response brief
JG	05/21/04	4.4	\$228.00	\$1,003.20	Finalize review of R. Norberg report; prepare exhibits to same; research re spoliation, Motion to Dismiss
JG	05/23/04	5.1	\$228.00	\$1,162.80	Review, analysis of Leon deposition testimony re spoliation issues, work on Motion to Dismiss
JG	05/24/04	6.1	\$228.00	\$1,390.80	Finalize Motion to Dismiss; research re same; email A. Calfo re same; draft declarations for same; review, analysis of Leon deposition testimony re spoliation issues

Yarmuth Wilsdon Calfo

Leon v. IDX Systems Corp.

**IDX Billing Incurred in Relation to Spoliation Issues
(Totals by Category)**

Timekeeper	Date	Time	Rate	Total	Description
NLD	05/27/04	3.0	\$119.00	\$357.00	Review and edit Motion to Dismiss; prepare exhibits re same
NLD	06/15/04	1.0	\$119.00	\$119.00	Attend team meeting re plaintiff's response to Motion to Dismiss
NLD	06/17/04	1.5	\$119.00	\$178.50	Edit reply to Motion to Dismiss
MET	04/15/04	0.5	\$250.00	\$125.00	Written discovery
MET	05/25/04	0.6	\$250.00	\$150.00	Email re spoliation motion
MET	05/26/04	1.5	\$250.00	\$375.00	Spoliation motion; conference Baker, Calfo
MET	05/27/04	0.8	\$250.00	\$200.00	Spoliation motion, declaration
MET	06/14/04	1.5	\$250.00	\$375.00	Review response, exhibits; work on reply
MET	06/15/04	2.0	\$250.00	\$500.00	Work on reply
TOTAL				\$22,199.00	
Combined or Miscellaneous Issues:					
JG	05/19/04	6.9	\$228.00	\$1,573.20	Review, analysis of Leon deposition testimony re spoliation issues, draft Motion to Dismiss, phone call with R. Norberg, P. King re 5/20 conference; review R. Norberg draft expert report
JG	05/20/04	7.7	\$228.00	\$1,755.60	Review R. Norberg draft expert report; prepare for meeting with P. King; phone call with L. MacNeil (IDX Boston), H. Bunzey; work on Motion to Dismiss; review, analysis of Leon deposition testimony re spoliation issues; conference with A. Calfo re R. Norberg report
NLD	05/26/04	0.5	\$119.00	\$59.50	Assemble correspondence with plaintiff's counsel re laptop
Total				\$3,388.30	
Norberg	03/22/04	4.5	\$150.00	\$675.00	Deleted file analysis
Norberg	03/23/04	8.5	\$150.00	\$1,275.00	Analyze registry, unallocated space
Norberg	03/24/04	4.0	\$150.00	\$600.00	Analyze internet activity, prepare spreadsheet listings
Norberg	04/14/04	4.5	\$150.00	\$675.00	Examine image file for news reader programs; copy image file to DVD
Norberg	05/04/04	4.0	\$150.00	\$600.00	Meet with J. Gross; examine image for wiping
Norberg	05/06/04	8.0	\$150.00	\$1,200.00	Review image file in prep for expert report
Norberg	05/07/04	6.5	\$150.00	\$975.00	Review image file in prep for expert report
Norberg	05/10/04	8.0	\$150.00	\$1,200.00	Draft expert report
Norberg	05/11/04	7.5	\$150.00	\$1,125.00	Meet with J. Gross, A. Calfo; draft expert report
Norberg	05/12/04	7.5	\$150.00	\$1,125.00	Meet with J. Gross, A. Calfo; draft expert report
Norberg	05/13/04	7.5	\$150.00	\$1,125.00	Draft expert report
Norberg	05/14/04	8.0	\$150.00	\$1,200.00	Draft expert report

Yarmuth Wilsdon Calfo

Leon v. IDX Systems Corp.**IDX Billing Incurred in Relation to Spoliation Issues
(Totals by Category)**

Timekeeper	Date	Time	Rate	Total	Description
Norberg	05/17/04	5.5	\$150.00	\$825.00	Review Leon deposition re spoliation issues; prepare report exhibits
Norberg	05/18/04	7.5	\$150.00	\$1,125.00	Prepare report exhibits
Norberg	05/19/04	2.5	\$150.00	\$375.00	Draft expert report
Norberg	05/20/04	5.5	\$150.00	\$825.00	Meet with J. Gross; edit report format
Norberg	05/21/04	1.0	\$150.00	\$150.00	Print, deliver signed report
Norberg	05/27/04	1.0	\$150.00	\$150.00	Declaration
Norberg	06/15/04	4.5	\$150.00	\$675.00	Review motion and declaration of Finnie
Norberg	06/16/04	6.0	\$150.00	\$900.00	Phone call with J. Gross; prepare second declaration
Norberg	06/16/04	1.0	\$150.00	\$150.00	Prepare second declaration
Total		113.0		\$16,950.00	
Grand Total				\$65,146.30	

Yarmuth Wilsdon Calfo